

EXHIBIT H

MEYERKORD & MEYERKORD, LLC

Stephen F. Meyerkord, of Meyerkord and Meyerkord, LLC and his experienced team accept difficult cases and present cutting edge legal arguments on behalf of their clients. Mr. Meyerkord was admitted to the Missouri Bar in 1974. He was the 2009 recipient of the Award of Honor presented by the Lawyer's Association of St. Louis. The award is given in recognition of honorable service in the profession of law and in the community. He has been President of the Missouri Association of Trial Attorneys and President of the Lawyer's Association of St. Louis. He was elected and served six years on the Missouri Bar Board of Governors. He has spoken at over 100 legal seminars and has published articles in both legal and medical professional journals. In 1990, the Missouri Bar chose Mr. Meyerkord to write a chapter in *Litigation Settlements*, a Missouri source for practicing attorneys, entitled "Evaluation and Settlement of Personal Injury Claims". <http://members.mobar.org/cle-web/cle-deskbooks/Litigation%20Settlements.html>

The firm's legacy of legal innovation was developed through Mr. Meyerkord's work in the Supreme Court and appellate courts of Missouri. His approach to representation is not limited to what the law is, but rather what the law should be, to achieve a just result. Mr. Meyerkord's creativity and innovative arguments have protected the interests of hundreds of clients throughout the years, positively impacted Missouri tort law for plaintiffs, and paved the way for a Legacy of Legal Innovation.

Mr. Meyerkord was responsible for a significant change in Missouri's products liability law. In *Lippard v. Houdaille Industries, Inc.*, a safety mechanism on a planing machine that was meant to shield users from a sharp blade failed and resulted in the loss of two fingers and severe lacerations to Mr. Meyerkord's client. Mr. Meyerkord filed suit against the manufacturer using the theory of strict liability in tort law. Under Missouri law, a manufacturer is strictly liable for defects in its products that result in injuries.

Though Mr. Meyerkord won the case against the manufacturer, the trial court applied the doctrine of comparative fault to the damages awarded. The application of this doctrine deprived Mr. Meyerkord's client of half of the damage recovery owed to him under the law. Mr. Meyerkord believed that the court's ruling was unfair so he appealed the case all the way to the Supreme Court of Missouri. The Court ultimately struck down the trial court's decision and his client received the deserved full compensation.

Mr. Meyerkord again took the lead in a case to modernize outdated Missouri law. The "lost chance of survival" doctrine, which was adopted in other states, allows plaintiffs to recover against medical providers who fail to properly diagnose or inform patients of critical medical information when timely treatment would have a substantial effect on the patient's outcome. The "lost chance of survival" doctrine in medical malpractice cases

was not recognized as a claim in Missouri prior to Mr. Meyerkord's compelling arguments in *Wollen v. DePaul*. *Wollen v. DePaul Health Center*, 828 S.W.2d 681 (1992).

In *Wollen*, Mr. Meyerkord and his colleagues represented a woman who lost her husband to gastric cancer after a health care provider failed to correctly diagnose him in time to have treated his cancer and extended his life. The Supreme Court of Missouri embraced Mr. Meyerkord's arguments for the application of "lost chance of survival". The Court acknowledged the need to compensate victims in gray areas of medicine, as the majority opinion states, "The traditional yes-no view of the world...does not match the 'maybe' view of the world found in probability, statistics, and everyday life". *Wollen v. DePaul Health Center*, 828 S.W.2d 681 (1992). As a result of Mr. Meyerkord's efforts in *Wollen*, an aggrieved party can now recover damages from a medical provider even when the provider did not legally cause the person's death, but could have prolonged his or her life.

Mr. Meyerkord and his firm again successfully argued for change in Missouri law related to the application of *res ipsa loquitur* in medical malpractice cases. *Sides v. St. Anthony's Medical Center*, 258 S.W.3d 811 (2008). In this case, Mr. Meyerkord's client was injured while a patient in a medical procedure and none of the medical staff was willing to say what happened. Mr. Meyerkord's case expanded the use of *res ipsa loquitur* so that plaintiffs, with the aid of expert medical testimony, can show negligence even without specific proof of negligence.

Also decided in 2008 was *Meyerkord v. Zipatoni* which brought to the forefront in Missouri the relevant and controversial issue of personal privacy on the internet. Missouri courts did not previously recognize lawsuits based on false light invasion of privacy. False light invasion of privacy, although similar to defamation, only applies when defamation is inapplicable. The Missouri Court of Appeals recognized that with the massive amount of information available on the internet, a law was needed to provide protection to people who are undeservingly exposed to public scrutiny online as a result of a defendant's negligence. This innovative new law is particularly important because of the advent and prevalence of online social networking. As a result of Mr. Meyerkord and his colleagues' thoughtful arguments, the court held that false light was a legitimate and viable claim in Missouri. *Meyerkord v. Zipatoni Co.*, 276 S.W.3d 319 (2008).

STEPHEN F. MEYERKORD

PUBLICATIONS

House Bill 700 - Life After Tort Reform, Point of Law Committee St. Louis
Daily Record/Countian

The Civil Jury: History's Best Institution for Dispute Resolution, St. Louis Daily Record/Countian

False Arrest and Malicious Prosecution Actions: What Remains After Sanders and Its Progeny?, *The St. Louis Bar Journal*

Meyerkord, S.F., Buckley, E.K., Ely, Ben, Jr., Sommers, D.B., *Personal Injury Litigation Practice in Missouri*, National Business Institute, Inc.

Evaluation and Settlement of Personal Injury Claims, Meyerkord, S.F. and Ely, B., Jr., *Missouri Litigation Settlements Deskbook*, Missouri Bar

Medical Malpractice – Plaintiff's Perspective, Meyerkord, S.F. *Missouri Medicine*

MATA Journal, *Concepts in Hospital Liability*, Stephen F. Meyerkord

SEMINARS, MODERATOR

ATLA Seminar, Products Liability

Head Injury Cases, Missouri Association of Trial Attorneys, St. Louis, Missouri

Medical Malpractice, Missouri Association of Trial Attorneys, St. Louis, Missouri

Avoiding Reversible Error/Keeping The Verdict On Appeal, Missouri Association of Trial Attorneys, St. Louis, Missouri

Summer Convention, Missouri Association of Trial Attorneys, The Art of Advocacy, Lake Ozark, Missouri

Lost Chance of Recovery-What Does It Mean?, Missouri Association of Trial Attorneys, St. Louis, Missouri

Problems and Solutions in Comparative Fault, University of Missouri-Kansas City, St. Louis, Missouri

Case Evaluations: What's It Really Worth?, The Missouri Bar, St. Louis,

Missouri

Problems and Solutions in Comparative Fault, University of Missouri-Kansas City, St. Louis, Missouri

Personal Injury Seminar, Missouri Association of Trial Attorneys, St. Louis, Missouri

Case Evaluations: What=s It Really Worth?, The Missouri Bar, St. Louis, Missouri

40th Annual Convention, Missouri Association of Trial Attorneys, The Age of Advocacy: Spotlight on the Consumer, Ethics Panel, Lake Ozark, Missouri

41st Annual Convention, Missouri Association of Trial Attorneys, Excellence in Advocacy: Piecing Together the Components of Success, Ethics Panel, Lake Ozark, Missouri

45th Annual Convention, Missouri Association of Trial Attorneys, Trial Practice in the Fast Lane, Lake Ozark, Missouri

46th Annual Convention, Missouri Association of Trial Attorneys, Trial Advocacy the Basics & Beyond, Lake Ozark, Missouri

Medical Malpractice: The Plaintiff's Case, The Missouri Bar, St. Louis, Missouri

Ethics Update, Red Flags, Client Troubles, and the Ethics of Representation, American Bar Association, St. Louis, Missouri

47th Annual Convention, Missouri Association of Trial Attorneys, Knock Out Strategies: Your Ticket to Effective Advocacy in Times of Change, Lake Ozark, Missouri

SEMINARS, FACULTY/SPEAKER

University of Missouri-Columbia, Trial Advocacy Training for Practicing Attorneys, 1986, 1987, 1988, 1989, 1990, 1991

St. Louis University School of Law, Student Trial Advocacy Program, 1986, 1987

Washington University Student Mock Trial Program, 1985, 1986, 1987

OMNI-LAW 1986, Missouri Association of Trial Attorneys, Product Liability, St. Louis, Missouri

Judicial Lecture/Demonstration Series Washington University School of Law, 1987

Intentional Tort Seminar - 1986 University of Missouri-Columbia, St. Louis, Missouri

Deposition Use & Practice - 1987 University of Missouri-Columbia, St. Louis, Missouri

OMNI-LAW 1988, Missouri Association of Trial Attorneys, Strict Liability In Tort, St. Louis, Missouri

Soft Tissue Injury Seminar, 1988, Missouri Association of Trial Attorneys

Problems of Proof Seminar, Missouri Association of Trial Attorneys, 1988, Demonstrative Evidence

Missouri Civil Trial Practice Program, Missouri Bar CLE, 1988, Final Trial Preparation

Punitive Damage Instructions, St. Louis Metropolitan Bar Association, Trial Section, 1988

How To Win At Trial: Developing Dynamic Opening Statements and Closing Arguments, University of Missouri-Kansas City, Missouri Association of Trial Attorneys, October 26, 1988, Opening Statements

Personal Injury Litigation Practice in Missouri Seminar, National Business Institute, Inc., January 23, 1989

Medical Malpractice, University of Missouri/Kansas City, Direct Examination of Plaintiff's Expert Physician, 1989

MoBar, Missouri Sources of Proof, "The Occurrence: Establishing Liability or a Defense", Hannibal, St. Louis, October, 1989

The Bar Association of St. Louis, Expert Witnesses, "Locating Expert Witnesses", St. Louis, Missouri, January, 1990

MATA Soft Tissue Diagnostics and Evaluation, "Investigation and Evaluation", St. Louis, Missouri, February, 1990

University of Missouri-Columbia School of Law, The Third Annual Year in Review, "Civil Practice & Procedure", St. Louis, Missouri, March, 1990

Effective Discovery, Missouri Association of Trial Attorneys, "Preparing the Deponent", St. Louis, Missouri, May, 1990

MoBarCLE Tort Law, "Products Liability", St. Louis, Missouri, May, 1990

The Bar Association of Metropolitan St. Louis, Premises Liability, "False Arrest", St. Louis, Missouri, June, 1990

UMKC - 15 Hour Review of the Law, St. Louis, Missouri, June, 1990

Damages/Evidence, "Identifying and Proving Damages", Missouri Association of Trial Attorneys, Springfield, Missouri, October, 1990

University of Missouri-Columbia School of Law, The Fourth Annual Year In Review, "Civil Practice and Procedure", St. Louis, Missouri, March, 1991

University of Missouri-Kansas City, Problems and Solutions In Comparative Fault, "Presenting Comparative Fault Issues To The Jury Beginning With Voire Dire Through Closing Argument, The Plaintiff's Perspective", St. Louis, Missouri, March, 1991

Bar Association of Metropolitan St. Louis, Bench and Bar Conference, Lake Ozark, Missouri, May, 1991 Civil Trial Procedure

Missouri Judicial College, "Comparative Fault", Lake Ozark, Missouri, August, 1991 St. Louis, Missouri, October, 1991

Strategy for Effective Settlement of Damage Suits, University of Missouri-Kansas City, St. Louis, Missouri, November, 1991

Litigation Settlements Seminar, The Missouri Bar, Cape Girardeau, Missouri, January, 1992

Litigation Settlements, The Missouri Bar Midyear Seminar, Santa Fe, New Mexico, January, 1992

"Problems and Solutions in Comparative Fault", University of Missouri-Kansas City, St. Louis, Missouri, March, 1992

Civil Jury Trial Demonstration, "Voir Dire", University of Missouri-Kansas City, St. Louis, Missouri, May, 1992

Missouri Judicial College, "Products Liability", Lake Ozark, Missouri, August, 1992 Kansas City, Missouri, October, 1992

Wollen -vs- DePaul Health Center, et al., Lost Chance of Survival, Lawyers Association of St. Louis October 15, 1992

Civil Trial Practice, The Missouri Bar Mid-Year Seminar, Florida Keys, January, 1993

Ethics Seminar-Attorney-Client Privilege-What Does It Really Mean?, Missouri Association of Trial Attorneys, St. Louis, March 12, 1993

University of Missouri-Columbia School of Law, The Fifth Annual Year In Review, "Civil Practice & Procedure", St. Louis, Missouri, April, 1993

Civil Jury Trial Demonstration, "Direct Examination", University of Missouri-Kansas City, St. Louis, Missouri, May, 1993

Third Annual CLE Potpourri: A Program for General Practitioners, "Evaluating the Personal Injury Case", The Bar Association of Metropolitan St. Louis, St. Louis, Missouri, June, 1993

Missouri Judicial College, "Malicious Prosecution", Lake Ozark, August, 1993 St. Louis, October, 1993

Third Annual Medical-Legal Symposium, The Missouri Bar, "Ex Parte Communications Between Health Care Providers and Third Parties", University of Missouri School of Law, Columbia, Missouri, September, 1993

Annual Meeting, The Missouri Bar/Missouri Judicial Conference "An Overview of General Principles Concerning Medical Records & Information", Adams Mark Hotel, St. Louis, Missouri, September, 1993

Trial Academy Witness Examination Skills, The Bar Association of Metropolitan St. Louis, St. Louis Downtown Headquarters, St. Louis, Missouri, October, 1993

Civil Trial Practice, The Missouri Bar Mid-Year Seminar, Phoenix, Arizona, January, 1994

Civil Procedure Update, 1994, The Missouri Bar, Henry VIII Hotel, St. Louis, Missouri, January, 1994

University of Missouri-Columbia School of Law, The Sixth Annual Year In Review, "Civil Practice and Procedure", St. Louis, Missouri, March, 1994

Civil Jury Trial Demonstration, "Voir Dire", University of Missouri-Kansas City, St. Louis, Missouri, May, 1994

Moser and Marsalek, Client Seminar-Case Evaluations, "Introductions and Overviews of Medical Malpractice Cases", Westborough Country Club, St. Louis, Missouri, September, 1994

Taking, Defending and Using Depositions, "Preparing Yourself and Your Client for the Deposition" and "Effective Use of Depositions in Court", University of Missouri-Kansas City, St. Louis, Missouri, September, 1995

Maximizing Damages in Personal Injury Cases, "Focus Groups and Mock Trials-Developing the Theme", MATA, St. Louis, Missouri, April, 1996

University of Missouri-Columbia School of Law, The Seventh Annual Year In Review, "Civil Practice & Procedure", St. Louis, Missouri, June, 1996

Taking, Defending and Using Depositions, "Effective Use of Depositions in Court", University of Missouri-Kansas City, St. Louis, Missouri, November, 1996

Hot Topics in Personal Injury Litigation, Medical Malpractice, Failure to Diagnose and Other Developments, University of Missouri-Columbia, St.

Louis, Missouri, April, 1997

Taking, Defending and Using Depositions, Preparing Yourself and Your Client for the Deposition and Effective Use of Depositions in Court, University of Missouri-Kansas City, St. Louis, Missouri, November, 1997

Trial Skills for the Winning Edge, Using Focus Groups, University of Missouri-Columbia, St. Louis, Missouri, May, 1998

Ethics in Personal Injury Litigation, Contingent Fees and Fee Agreements: Lawyer's Duties and Rights, The Missouri Bar, St. Louis, Missouri, December, 1998

16th Annual National High School Mock Trial Championship, Round I and II Evaluator, The Bar Association of Metropolitan St. Louis, St. Louis, Missouri, May, 1999

Ethics in Personal Injury Litigation, Contingent Fees and Fee Arrangements: Lawyer's Duties and Rights, The Missouri Bar, St. Louis, Missouri, December, 1999

Trial Demonstration in a Product Liability/Wrongful Death Case-From Opening Statements to Jury Deliberations, Plaintiff Team-Closing Argument, The American Board of Trial Advocates, Kansas City, Missouri, September, 2000

Tried and True Tips for the Trial Attorney, Everything is Evidence-Controlling the Courtroom Environment, MATA, St. Louis, Missouri, March, 2001

2001 Annual Taking, Defending and Using Depositions, Preparing Yourself and Your Client for the Deposition and Effective Use of Depositions in Court, UMKC School of Law, St. Louis, Missouri, November 2001

Missouri Lawyers Weekly, What Every General Practitioner Needs to Know, Recent Developments in Venue Law, St. Louis, Missouri, April, 2002

The Bar Association of Metropolitan St. Louis, 2003 Missouri High School Mock Trial Institute, Webster University, St. Louis, Missouri, December 2003

Tried and True Tips for the Trial Attorney, A Winning Strategy in a Medical Malpractice Case in St. Louis County: Thinking Outside the Jury Box, Missouri Association of Trial Attorneys, St. Louis, Missouri, April, 2004

The Missouri Bar, “Medical Malpractice: Prosecuting and Defending Medical Negligence Cases”, St. Louis, Missouri, July, 2006

BAMSL Young Lawyers Division, Trial Institute Committee, First Annual Trial Advocacy Competition, Evaluator, St. Louis, Missouri, February 2007

50th Annual MATA Convention, “Setting the Stage for a Successful Mediation”, Lake Ozark, Missouri, June 2008

BAMSL Trial Practice Series, “Storytellers”, St. Louis, Missouri, January 2009